

Serial No.: 10/630,651
Atty. Docket No.: D5339

(D) REMARKS:

The Office Action was mailed 19 October 2004. By the Action, the first in the present application, the Examiner objected to claim 13 for an antecedent basis problem. Claims 1-3 were rejected under 35 U.S.C. 102(b) as anticipated by any one of Kim et al. (US-P 5,773,945 or 5,801,503) or Byrne (US-P 4,187,927). Claims 3-15 were rejected as obvious over any one of the foregoing references in view of either Kempen et al. (US-P 6,421,593) or Priestly et al. (US-P 6,405,114). No claims were indicated as directed to patentable subject matter.

A minor correction has been made by amendment to the specification, paragraph [0018], where an obviously missing word has been supplied. No new subject matter is believed introduced by the amendment.

Claims 1 and 6 have been amended to clarify the invention and to distinguish over the art. Claims 1-15 remain active.

Applicant disagrees with the Examiner that rejected claims 1-3 are anticipated by the cited art. Claim 1, as submitted, claimed to distinct paths for providing a signals to a direct current motor control relay. Attention is directed to Fig. 3 of the present application where an emergency pump control switch 62 and a MOSFET 64 in a remote power module 36, both connected to apply an energization signal to relay 46, are shown. Claim 1 had as elements "a switch connected between the direct current power supply and the control input for the relay" (corresponding to the switch 62) and "a relay controller coupled to the control input for the relay" (corresponding to remote power module 36). The art failed to show two such mechanisms for energizing a power relay.

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Claim 1 has none-the-less been amended to make these elements more distinct. The claims now provides "a manually actuatable switch connected between the direct current power supply and the control input for the relay" and "a programmable relay controller coupled to the control input for the relay, the relay controller being programmed to provide periodically a control signal to the control input for momentarily closing and reopening the relay momentarily to energize energizing the direct current motor". None of the three cited references describe an arrangement having parallel manual and automatic relay activation circuits. The Kim references further fail to place a motor control arrangement into the context of a hydraulic circuit energization system where the motor under control is an auxiliary or backup device to a hydraulic pump prime mover.

The rejections of the remaining claims as obvious is rejected for a similar reason. The references, alone or in combination, failed to show parallel manual and automatic activation channels. Claim 6 has been amended to recite a "hard switch" as being disposed between a power supply and a control input to a power relay as an element of the claim rather than in the preamble. This highlights the distinctive attribute of the invention. That is, in providing a motor exercise circuit for a dc motor where the motor is intended to be activated under normal circumstances by a manual switch. The art references do not show alternative sources of a control signal for a relay which in turn controls energization of the dc motor.

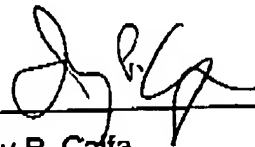
Claim 11 as originally submitted included structural limitations directed to alternative paths for activating the backup dc motor for a hydraulic PTO system. The "remote power module" is directed to the solid state automatic mechanism for energizing the backup dc motor and the "motor control switch" (corresponding to element 62 of Fig. 3) provides the manual mechanism for energizing the motor. The references again fail to provide dual independent mechanisms for control of a motor energization relay, one of which allows for automatic, periodic "exercise" of the motor as described in the specification.

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The remaining dependent claims still further distinguish the invention over the prior art and are independently novel and non-obvious.

Applicant believes the Claims as amended are in condition for allowance and respectfully requests favorable action by the Examiner.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

I hereby certify that this **AMENDMENT** is being facsimile transmitted to the Patent and Trademark Office on or before 12/8/04 to (703) 872-9306.

Date: 12/8/04


Cathi Majewski